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MASTER OF MILITARY STUDIES

**FEDERALLY ADMINISTERED TRIBAL AREA: A NEED FOR GRADUATED
APPROACH**

SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTERS OF MILITARY STUDIES

MAJOR ABID MAZHAR, PAKISTAN ARMY

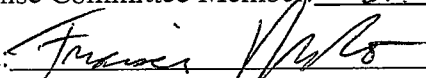
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Executive Summary

Title: Federally Administered Tribal Area: A Need for a Graduated Approach

Author: Major Abid Mazhar, Pakistan Army, CG 6.

Thesis Statement: A graduated and priority driven approach evolved around existing tribal customs and traditions has a better chance of success for managing FATA than a broad goal of integrating FATA into Pakistan's mainstream system by changing its constitutional status.

Discussion: The tribal area lying between Afghanistan and the North West Frontier Province (NWFP) of Pakistan has historically played a pivotal role in shaping the history of the region. To manage the tribal area, the British devised an indirect system of governance through *maliks* based on cultural aspects of the *pashtuns*. The policy was a bottom-up approach for protecting the British security interests. The British were able to pacify tribesmen to some extent through a principle of "carrot and stick," but the complementary objective of bringing the hill tribes the benefit of civilization and economic improvement was never achieved.

For Pakistan, the tribal area has been of strategic importance since 1947 due to the complex regional security environment. Jinnah, the Founding Father of Pakistan, accepted the semi-autonomous status of the tribesmen and continuity of the colonial governance structure in reciprocity to the loyalties extended by the tribesmen. The Founding Father's vision for management of the tribal area philosophically contrasted the British security oriented frontier policy. Unfortunately, the succeeding governments did not pursue Jinnah's vision of socio-economic reforms as the main pillar of its FATA policy. Jinnah intended to use these socioeconomic reforms to gain public support for a merger with Pakistan.

During the Afghan *Jihad*, Pakistan's FATA policy served short terms interest well; however, it deeply impacted the traditional governance structure. Since 2002, Pakistan's renewed policy in the wake of Global War on Terror has further alienated the tribal system of governance. In the absence of a complementary administrative and political infrastructure to support current military operations, FATA continues to present serious challenges for Pakistan.

In current circumstances in which security and good governance are a priority, major change in constitutional status of the FATA has a potential to trigger other controversies and may provide a rallying point for militants who receive overt or tacit approval from fence-sitters and the government loyal segments in the FATA.

Conclusion: Since 2002, Pakistan's policy has achieved mixed success; however, weak complementary administrative structure and a non-existent political atmosphere have failed to achieve sustainable results. While there is a dire need to implement agency-level governance reforms, the tribesmen are divided regarding any major change in the constitutional status of the FATA. A graduated approach of strengthening the existing tribal structure and undertaking bottom-up administrative, judicial, and political reforms can promise a long-term success against rising militancy. The crux of the reforms should be to develop an internal change by resurrecting the tribal traditions and degrading the militant's ideology. These reforms would act as an impetus for deep structural changes.

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Preface

In the current environment of growing militancy in the FATA and its implications for my dear country (i.e. Pakistan), my personal interest in the topic needs no explanation. I am indebted to the in-depth research done by countless men and women who have a feel for the people of FATA. I have also made an endeavour to provide a different approach for moving forward towards resolution of the FATA crisis; a moving target as my mentor would call it.

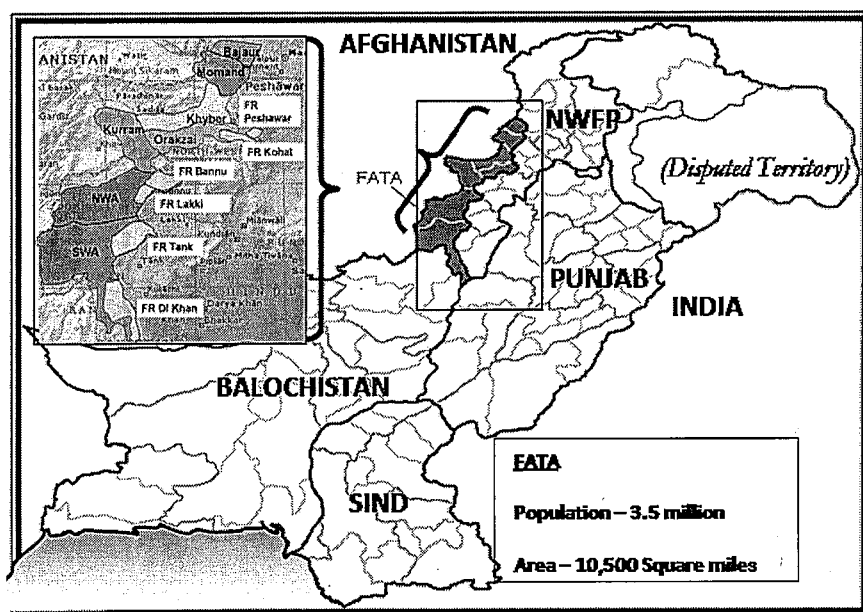
I have explained the importance of FATA especially in the context of Pakistan's security imperatives. I have tried to develop linkages between the British and Pakistani system of governance in order to identify the fault lines that did not receive due focus over a period of years. I have made an argument that now when Pakistan is faced with extremely volatile security situation in the FATA, an abrupt change may prove detrimental to Pakistan's strategic interests. With the fault lines in view, I have proposed a way forward to support the government's strategy of combating insurgency in the short term to integrate FATA into mainstream Pakistan's system in the long-term.

I would like to thank my wife, Nayyar, for her continuous support. I am especially indebted to my faculty advisors Lieutenant Colonel Loretta Vandenberg, USMC and Dr. Doug Streusand, Phd for their valuable guidance, encouragement, and direction throughout my research. Without their continuous support, I could not have finished the work. I thank the staff of the Gray Research Centre who rendered their valuable time during my research and composition of the paper. I am also thankful to Pakistan Army for giving me an opportunity to study at Marine Command and Staff College. Finally, I would like to express my gratitude to all

the faculty and staff at Marine Command and Staff College for their superb efforts in providing an outstanding academic environment to all those fortunate enough to be here.

Introduction

The Federally Administered Tribal Area (FATA) consisting of seven Tribal Agencies and six Frontier Regions is a narrow belt lying between Afghanistan and the North West Frontier Province (NWFP) of Pakistan (refer to Map 1).¹ Historically, the FATA had served as a gateway to the subcontinent for the invaders to ravage fertile Indo-Gangetic plains. While the fate of the subcontinent dwindled with each tide flowing through these areas, the autonomous and martial character of tribesmen remained undeterred and unchanged.



Map 1: Federally Administered Tribal Area of Pakistan

During the colonial period, the British Indian Government managed the tribal area through an indirect system of governance; however, a large chunk of the tribal belt remained a No-Go area having no writ of the state. On the partition of the subcontinent, the tribal area acceded to Pakistan. Pakistan continued with the status quo of governance through special constitutional provisions.

FATA came into international focus in the aftermath of the events of 9/11 and the United States-led Global War on Terrorism (GWOT). Pakistan, as a front-line state in GWOT, decided

to establish writ of the state by eliminating the hitherto No-Go area that had become safe havens for the terrorists. Despite considerable military gains and developmental works over the last eight years, Pakistan continues to struggle in achieving its strategic objectives.

The independent observers are of the view that the Pakistani government's policy of "3Ds - Dialogue, Development and Deterrence" may not yield a positive result unless FATA is integrated into the national mainstream through a fundamental change to its ambiguous constitutional status.² The proponents of the change assert that the administrative, political, and socio-economic reforms will follow suit if FATA is integrated into Pakistan's mainstream system. While mainstreaming FATA remains an ultimate objective of Pakistan, the abrupt policy shift, if not given sufficient transition time, runs the risk of opening a Pandora's Box of other problems detrimental to immediate security and socio-economic interests of Pakistan in general and FATA in particular. Hence, a graduated and priority-driven approach evolved around existing tribal customs and traditions has a better chance of success for managing FATA than a broad goal of integrating FATA into Pakistan's mainstream system by changing its constitutional status.

The paper begins by explaining the geo-strategic significance of tribal area with a focus on Pakistan's strategic objectives. It then reviews the British colonial system of managing the tribal area to set the context for understanding the current problem in a correct perspective. The next section explores Pakistan's FATA policy since 1947 with special reference to the administrative, judicial, and political impediments in achieving its strategic objectives. Finally, the paper will propose solutions to the FATA crisis.

Geo-Strategic Imperatives of the Tribal Area

The tribal area has played a pivotal role in shaping the history of the region. The area has served as a corridor to the trading caravans and invading armies between Central Asia and the sub-continent.³ Persians, Greeks, Turks, Tatars, and the Afghans have passed through the area, yet changed very little in the social and cultural landscape of the local population. The tribal area, referred to as Yaghistan – the land of defiant,⁴ remained alien to foreign dominance due to the peculiar character and nature of the inhabiting tribes.⁵ It had been virtually impossible for invaders to influence or subdue them entirely.⁶

Geographically, the area has served as a natural barrier between contemporary civilizations; however, presence of well-knitted ethnic *pashtuns* along both sides of this natural dividing line has always presented a unique set of challenges. As early as 1849, the tribal area was a ground for competing interests. The British accorded immense importance to the tribal area for the security of the British Indian Empire against growing Russian influence in Central Asia and Afghanistan. The tribal belt acted as a “Scientific Frontier” for British Indian defense until partition of the sub-continent in 1947.⁷

The geo-strategic importance of the tribal area did not recede even after 1947, when the tribesmen decided to accede to Pakistan. Since 1947, complex regional geo-strategic security imperatives impacted Pakistan’s policy towards FATA. India, which reluctantly accepted the creation of Pakistan, expected it to fail soon.⁸ The concept of *Akhand Bharat* (i.e. Greater India through re-unification) espoused by few Indian leaders solidified the perception of Pakistani decision makers that India by its size, resources, and military might would “reduce Pakistan to the status of a vassal state, if not eliminate it altogether from the comity of nations.”⁹ Due to uneasy relations with Afghanistan since its independence, Pakistan considers the Indo-Afghan

nexus its strategic encirclement. The same perception became a dominant factor in determining Pakistan's domestic policy of managing the FATA through a special constitutional status. The perception also factors into Pakistan's foreign policy objective of having a peaceful and friendly Afghanistan on its western border to avert a two front war.¹⁰

In particular, along the western border, Pakistan's security concerns implied to Afghanistan's irredentist territorial claims over tribal area and its overt support to the ethnic movement of "*Pukhtunistan*."¹¹ Successive Afghan governments have called into question the international status of the Durand Line,¹² demanding the abolition of the Durand Line and return of Pashtun and Baloch areas annexed by the British in the 19th Century.¹³ The tribal area presented strategic importance to Pakistan due to Afghanistan's claims and its support to the ethnic separatist movement in connivance with India, later to be joined by the former USSR; the alliance was also referred to as the "triple axis."¹⁴

The Soviet entry in Afghanistan during 1979 brought the tribal area again to a central place. The tribal area became a centerpiece of the US Cold War Strategy of defeating communism in close collaboration with Pakistan, which saw strategic encirclement becoming a reality. The tribal belt became the sanctuary for concentration and training of freedom fighters for the Afghanistan resistance. From 1979 until disintegration of the USSR, the tribal area served as a launching pad for *Mujahideen* to contain the Russian threat under the patronage of Pakistan as well as the US. With the Soviet Union disintegrated, the US interests in the region also evaporated, only to re-emerge after about a decade, creating a "critical power vacuum".¹⁵

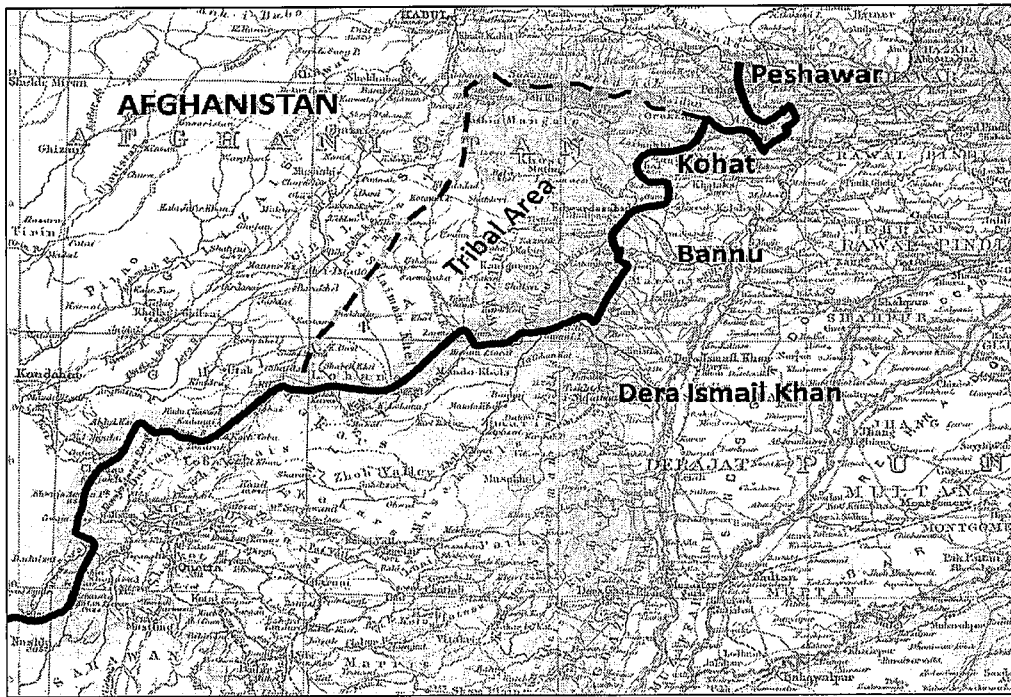
The importance of the tribal area resurfaced when the world in general and Pakistan in particular needed access to untapped energy reservoirs of newly independent Central Asian

States. While the tribal area posed no threat, the area politics were again used to craft a trade-conducive environment in Afghanistan, which was plunged into a civil war.¹⁶ With the rise of the Taliban, Pakistan saw a possibility of achieving its strategic objectives of recognition of a peaceful western border and smooth flow of energy from the Central Asian Republics. Pakistan's recognition and support to the Taliban regime was also viewed, by few observers, as Pakistan's forward policy in Afghanistan so as to achieve strategic depth.¹⁷ However, Taliban refusal to recognize the Durand Line and drop its claim on parts of the frontier and the Balochistan province shocked Pakistan.¹⁸ In the meantime, Pakistan also became cautious of its tribal area drifting towards the Taliban ideology of creating an Islamic caliphate with no regard to international borders, a sensitive issue that had a profound influence on Pakistan's FATA policy in the aftermath of 9/11.

The GWOT, in the wake of Al Qaeda hitting targets in the US, changed regional and global rules of doing business. The US-led Operation Enduring Freedom in Afghanistan resulted in a huge influx of fleeing Al Qaeda and Taliban into FATA to join relatively sympathetic tribesmen, where the Pakistani Government had no direct governance system. Pakistan, as a front-line state in GWOT, decided to pursue a policy that had three main objectives: firstly, rendering FATA inhospitable to extremists and strengthening the rule of law; secondly, improving the security environment; and lastly, improving the socio-economic conditions of the tribesmen to mainstream them on a sustainable basis.¹⁹ In pursuance of a renewed policy, Pakistan adopted the strategic framework of political reconciliation, economic development, and the application of the military instrument.²⁰ With mixed successes, FATA continues to have a global focus due to the volatile environment with potential of exploding security consequences not only for Pakistan, but beyond.

British Policy for the Tribal Area (1849 – 1947)

On acquiring frontier region from the Sikhs in 1849, the boundary of the British Indian Empire ran west of the settled districts, namely Peshawar, Kohat, Bannu, and Dera Ismail Khan (refer to Map 2). British frontier policy revolved around its need to provide security to the British Indian Empire against two threats; the immediate threat of tribal raids in the settled districts and, most importantly, the growing Russian threat.²¹ Its policy evidently had little focus on economic and social development of the tribesmen.²²



Map 2: British Administrative Boundary²³

The British initially followed a defensive policy commonly referred to as the “Closed Border” policy.²⁴ While not directly interfering with the tribal area, the British evolved a system of peace treaties and intermittent military expeditions to maintain security of the settled districts. However, in view of the geo-strategic significance and direct impact of the area beyond the

administrative boundary, where tribesmen lived, the British always found themselves uncomfortable with the security arrangement.

By 1874, the Closed Border Policy was fading away in favor of another policy known as the "Forward Policy" that called for extending the boundary westward and northward in order to proactively "build a strategic line of defense" against the growing Russian Tsarist threat which had already achieved ingress in Central Asia and Northern Afghanistan.²⁵ The Forward Policy in the frontier advocated defense of British India by controlling the five key western mountain passes, also referred as the "Five Fingers" in the tribal belt: Gomal, Tochi, Kurram, Khyber, and Malakand.²⁶ The proponents of the Forward Policy advocated that it was a moral obligation of the British Indian Government to attempt gradual civilization and settlement of the tribes through direct interaction,²⁷ education, and improvement of their economic conditions.²⁸

In the aftermath of a popular tribal uprising of 1897 against British incursion, the Forward Policy was again re-evaluated. Lord Curzon, the new viceroy of India, created the NWFP as a separate administrative unit. The new province contained two parts; settled districts of Peshawar, Hazara, Bannu, Kohat, and Dera Ismail Khan and tribal agencies of Malakand, Kurram, Khyber, North Waziristan, and South Waziristan.²⁹ The Governor of the NWFP acted as agent to the central British Indian Government for management of the tribal area. Curzon withdrew regular troops inside the administrative boundary only to react in case of a serious need. Accordingly, a supporting communication infrastructure was also built to facilitate movement of the British Indian Army to the trouble spots. Surprised by the third Anglo-Afghan war, the British decided to go heavy handed into the tribal area. The British Indian Army established permanent cantonments in Razmak and Wana and established additional law

enforcing agencies like the Frontier Constabulary and the Frontier Scouts. The Forward Policy continued until partition of the subcontinent in 1947.

At the agency level, a Political Agent (PA) who acted as a special representative of Government of India managed the tribal area to enforce government rules with consultation of local elders.³⁰ He was a kingpin in the entire management and was dual hatted: he held judicial as well as executive authority in the agency area. A further indirect system of governance was established by introducing a *Maliki* System in each tribe.³¹ *Maliks* (i.e. tribal chief) acted as a conduit between the agency management and the tribesmen. In return for loyalty, *maliks* received special subsidies. Based on cultural aspects of collective responsibility and collective territory, the British introduced the Frontier Crimes Regulation (FCR) in 1901 as a strict legal framework to enforce law and order by extending financial assistance to the loyal and administering fines, *bandish*, (i.e. blockades), *baramta* (i.e. seizure of property),³² and military expeditions against the defaulters.³³ The FCR also authorized the PA to award sweeping punishments irrespective of right to appeal at a higher level. A council of elders known as *Jirga*, assembled on the request of the victim, resolved day-to-day disputes. The victim bore the expenditure incurred on the administration of the *Jirga*. Decisions were enforced through specially raised forces known as Scouts: each agency had a unit of scouts headed by a British officer in addition to local militia known as *Khassadars*, who were primarily responsible for protection of roads and important installations in the agency.

The British Frontier Policy of “Carrot and Stick” as its principle instrument was a bottom-up approach for protecting its security interests in the tribal area. Olaf Caroe noted in his book “*The Pathans*” that the best officers available in British India ran the administrative machinery.³⁴ The improvised governance structure was to uphold the authority of PAs and the

maliks.³⁵ A number of uprisings were witnessed in the tribal agencies, especially in the twentieth century; however, these were sector specific. These uprisings were largely organized owing to the threat to their “long-cherished independence”³⁶ and not to a predominant religious or nationalist fervor.³⁷ Moreover, these uprisings were never organized under central leadership of the tribal area. It is also worth noting that only 20% of the tribal area was a Go-Area where the PA could establish the writ of the government through local elders. The remaining 80% of the area never accepted even the British system of indirect governance.³⁸

The British were able to pacify tribesmen to some extent, but the complementary objective of bringing the hill tribes the benefit of civilization and economic improvement was never achieved.³⁹ The development of the communication infrastructure primarily meant for military purpose, also served economic and commercial interests; however, no dedicated efforts were made to improve socio-economic conditions of the area.⁴⁰

FATA – After 1947

On the partition of the sub continent, all the treaties and agreements between the British and the tribesmen were abrogated under the Indian Independence Act 1947, leaving it up to tribesmen to decide their future.⁴¹ The tribesmen as a whole expressed their popular will in favor of Pakistan through their traditional Jirgas due to Pakistan’s religious identity. On a reciprocal basis, Muhammad Ali Jinnah, the Founding Father of Pakistan, accepted the semi-autonomous status of the tribesmen and continuation of the agreements between tribes and the British Government. Jinnah’s speech to the tribal Jirga at Peshawar on 17 April 1948 reflected his vision

of managing FATA:

I am glad to note that you have pledged your loyalty to Pakistan..... I am fully aware of the part that you played in the establishment of Pakistan, and I am thankful to you for all the sympathy and support, you gave in my struggle and fight for the establishment of Pakistan. Keeping in view your loyalty, help, assurances and declarations, we ordered, as you know, the withdrawal of troops from Waziristan as a concrete and dignified gesture on our part - that we treat you with absolute confidence and trust.... Pakistan has no desire to unduly interfere with your internal freedom. Pakistan wants to help you and make you, as far as it lies in our power, self reliant and self sufficient and help in your educational, social and economic uplift, and not to be left, as you are dependent on annual doles, as has been the practice hitherto which meant that at the end of the year you were no better off than beggars asking for allowances, if possible a little more. We want to put you on your legs as self-respecting citizens who have the opportunities of fully developing and producing what is best in you and your land..... I agree with you that education is absolutely essential, and I am glad that you appreciate the value of it. It will certainly be my constant solicitude and indeed that of my Government to try to help you to educate your children.Your desire for entering the Pakistan service in the Civil and Military will receive my full consideration and that of my Government.....You have also expressed your desire that the benefits, such as your allowances and *khassadari*, that you have had in the past and are receiving, should continue. Neither my Government nor I have any desire to modify the existing arrangement except, in consultation with you, so long as you remain loyal and faithful to Pakistan.⁴²

The Founding Father's vision was very explicit and clear for management of the tribal area. It philosophically contrasted the British security oriented frontier policy. Jinnah's vision for FATA rested on two foundations: firstly, respect for the autonomous nature and status of the tribesmen by recognizing their values, culture, customs, and traditions; secondly, educational, social, and economic development to make the tribesmen self-respecting citizens of Pakistan with the purpose of gradually doing away with the system of government subsidies. Historical accounts provide evidences that Jinnah wanted to integrate FATA into Pakistan after necessary groundwork of shaping public perception and socio-economic reforms in the tribal belt.⁴³

Unfortunately, the succeeding Pakistani governments did not pursue Jinnah's vision of socio-economic reforms as the main pillar of its FATA policy to shape the public perception for achieving the policy objective of merger with Pakistan. The policy generally remained event-driven and inconsistent. The willing accession of the tribal area to Pakistan almost outmaneuvered anti Pakistan forces. However, the notion of external manipulation from Afghanistan in connivance with other anti-Pakistan forces continued to dominate the Pakistanis' perception while formulating domestic policy with regards to FATA. The nature and system of governance on the other side of the Durand Line also impacted policy making for FATA.⁴⁴

Constitutional Status. Constitutionally, the accession document, also later ratified by Articles 246 and 247 of the constitution of Pakistan, grants the tribal area a special administrative status (refer to appendices A and B).⁴⁵ The tribal area is administered by the Governor of NWFP as an agent to the President, representing the Federal Government (refer to appendix C). Quite paradoxically, in Pakistan's parliamentary form of government, the President manages the FATA through the Governor who are only symbolic figureheads. The President does not have control over resource allocation at the Federal level, nor does the Governor have authority over the PAs who are accountable to the Chief Minister-NWFP.

For about a decade, the change in constitutional status of the FATA has been under serious review. A possible change in the constitutional status of the FATA has to be viewed in the context of associated stakes: geo-strategic interests of Pakistan, militants' theme vis-à-vis prevailing popular sentiment in the FATA, opinion of *maliks*, and consensus among political parties especially NWFP's political parties. The proponents of change offer three plausible options: firstly, merging FATA in the NWFP; secondly, granting FATA the status of an independent province; and lastly, maintaining a status quo for the time being and investing

heavily in socio-economic reforms with the aim of gradual integration into mainstream Pakistan. While there is a broad consensus between the current national and provincial level government for the merger of the FATA into the NWFP, the problems lie with the theme espoused by the militants and a fragmented approach among the population and potential disagreement by majority of the *maliks* due to their vested interests.⁴⁶

In circumstances where security and good governance are priority needs, major change in constitutional status of the FATA has a potential to trigger other controversies and may provide a rallying point to the militants with overt or tacit approval by fence-sitters and the government loyal segments in the FATA.

Administrative System. Tribal agency level governance structure continues as inherited from the British. Instead of increasing interaction with the tribesmen at the grassroots level, the administrative control declined, as evidenced by the fact that most of the PAs operated from the offices located in close-by settled districts.⁴⁷ They visited rarely – only at the invitation of local *maliks*.⁴⁸ The PA holds executive, judicial, and revenue powers and is assisted by Assistant PAs, *Tehsildars* (i.e. revenue officers) and *Naib* (i.e. deputy) *Tehsildars*. Overconcentration of powers with the PA has developed an atmosphere of manipulation and abuse of authority.

Upon its independence, Pakistan withdrew its regular military forces due to the growing need of regular military along the eastern border, diminishing tribal threats to Pakistan, and above all creating goodwill gesture among the tribesmen. On the other hand, the paramilitary forces commonly known as Frontier Corps (FC) or Frontier Scouts continue to operate in FATA with expanded size and mandate. The FC units perform a wide range of tasks ranging from guarding western borders to anti-smuggling duties. The force that in principle was an

administrative instrument available to the PA is no longer at his discrete disposal, at least in practical terms. The PA is left with only the *Khassadari* force, which is unable to ensure a requisite level of law and order due to its structural and institutional deficiencies.

The Soviet occupation of Afghanistan deeply impacted the FATA's cultural mosaic. A huge influx of refugees dotted all the tribal agencies. The tribal area became a hub for *Mujahideen*. The "social atomization" crippled the traditional authority of the *maliks*.⁴⁹ Contrary to Caroe's argument that indirect rule needs immense support and protection to tribal authorities to obtain results,⁵⁰ direct interaction of the government with *mujahideen* weakened the administrative structure of the tribal area. *Mujahideen*, due to their Islamic identity and their role in the resistance movement "emerged as a powerful political and social force".⁵¹ The influence of religious forces increased further in FATA during the period of the Taliban government in Afghanistan. The writ of the Pakistani state drastically reduced in the tribal belt as the tribesmen inspired Taliban who then waged another kind of *Jihad* to form an Islamic caliphate.⁵²

After 2002, the fumbling system of administration in the tribal area almost came to a grinding halt due to complex and contradictory expediencies.

First, the politico-military policy of opening the No-Go Area and undertaking developments in the tribal area brought the military prong in the forefront, marginalizing the existing agency administration. Peace agreements held between the Government and tribes such as the Shakai Agreement on April 26, 2004,⁵³ recognized the militant dominated parallel system, sidelining the traditional status of *maliks*. On the other places where *maliks* made an effort to assert their influence contrary to the interests of militants, they were killed indiscriminately by the militants.⁵⁴

Second, despite obvious advantages of the Local Government Ordinance promulgated in 2002, the NWFP in general and FATA in particular drifted towards militancy.⁵⁵ The District Management Group (DMG), considered elite amongst civil services in Pakistan, felt aggrieved with the new system and became aloof. As per the new system, the primary responsibility of law and order fell to District *Nazims* (i.e. mayors) who controlled the police department. Since District *Nazims* were mostly aligned to the provincial ruling party of *Muttahida Majjlas-e-Ammal* (MMA),⁵⁶ they did not interfere with the militants' activities.

Finally, differences between the Federal Government (2002-07) and MMA's Provincial Government of the NWFP on the broad policy of fighting terrorism provided maneuvering space to the militants. The militancy spread to the adjoining settled districts of the NWFP where militants could live, plan, and conduct terrorist actions at their will.

Pakistan's strategy of combating terrorism since 2002, revolved around political reconciliation, economic development, and selective application of the military instrument. While the military has made significant progress, the results had not been sustainable due to inadequate complementary administrative and political structures to support other prongs of the strategy. The reconciliation efforts that often ended up as peace agreements did not prove sustainable due to the administrative vacuum and shift of the military's focus to developmental efforts and mitigating other growing threats, including the conventional threat along the eastern border. Militants often exploited such a situation to re-group. Moreover, in the absence of deeply rooted security and governance, the cooperation from the local population remained a wanting area as they feared retaliation from the underground terrorists.

FATA presents unique challenges in the prevailing agency level administrative inadequacies. Peace loving tribesmen are strangled in a complex system of governance: the

military, the *Maliks*, the PA, and the militants. Doing away the *maliki* system and replacing it altogether with a representative system may prove counterproductive. However, administrative reforms, structured around a cultural system of governance and security, if not timely embedded with ongoing politico-military strategy, may lead to further alienation of the population and the government loyal segments of the FATA.

Judicial System. A survey conducted in 2008 by the Community Appraisal and Motivation Program, a Pakistan based Non-Governmental Organization, reflected that justice is the most important service that the tribesmen expect from government of Pakistan.⁵⁷ Judicial proceedings in FATA continue to be conducted by traditional Jirga system under FCR, which besides explaining the relationship between the state and the tribes, lays down the procedure for dealing with inter-tribal matters. The FCR provides excessively vast and arbitrary powers to the PA. Enforcement of the FCR and deviations from the normal legal codes has been justified mainly on the administrative grounds of maintaining law and order, expeditious settlement of tribal disputes, and the unique environment presented by FATA.

There is a wide agreement among the tribesmen and the political leaders of the country on the controversial and draconian nature of the FCR. The majority of the tribesmen consider the law as a tool for unchecked powers of the PA.⁵⁸ The contention needs no further explanation in the realm of justifying remarks made by John William Kaye, head of the Political and Secret Department of the India Office, at the time of adoption of the FCR: "We cannot rein in wild horses with silken braids."⁵⁹

The Government of Pakistan formulated a special committee to review the FCR in 2008. The government has, in principle, approved the amendments that mainly focus upon protection of the basic human rights and reduction in the arbitrary powers of the PA.⁶⁰ The proposed

amendments have still not been enacted pending a Presidential directive due to differences within ruling coalition.⁶¹

The other important tier of the judicial system in FATA is *Jirga*, the assembly of tribal elders. *Jirga* has been an important facet of the tribal system of dispensing justice. However, over a period of time, the *Jirga* system has been plagued by a change in the social system and dubious role played by the tribal heads in activities like drug trafficking and smuggling. Few tribesmen contend that *Jirga* fails to provide justice to the poorer segment of the population who are unable to accommodate its expenses, leaving them with no access to justice or drifting towards Taliban's ideology of so-called cheap and speedy justice. The other controversial aspect of *Jirga* is the manipulative powers of PA to convene and give a final verdict on the decision made by *Jirga*. This makes *Jirga* - referred to as "*Sarkari* (i.e. official) *Jirga*", quite unpopular amongst the tribesmen.⁶²

Unfortunately, the present legal system in the tribal belt is a compromise between the law and the customs of the tribal society.⁶³ However, despite legal shortcomings and hiccups, the *Jirga* system runs quite deep and wide in tribal society. Similarly, the FCR provide a linkage between state authority and tribal *Riwaj* (i.e. customs). Despite resentments, tribesmen still prefer the prevailing system with certain modifications as opposed to the judicial system that is in vogue in the rest of the country.⁶⁴ Any move to repeal or introduce an alternative system will require deliberations, especially considering the experience in Swat, where the government is still struggling to balance out between *Sharia* (i.e. Islamic) laws and civil codes applicable to rest of the country.

Political System. Politically, FATA's representation at the national level has sprung up from one seat in 1947 to twelve members in the National Assembly and eight in the Senate.⁶⁵

These legislatures are elected on the non-party basis as the Political Party Act (PPA) is not applicable to the tribal agencies; however, interestingly PPA is applicable in the Frontier Regions.⁶⁶ The adult franchise, introduced in 1996, replaced the earlier system of indirect election for the national assembly legislatures.⁶⁷ While the adult franchise has been greatly hailed at the grassroots level in the tribal area, it received resistance from some *maliks* who viewed it against their interests.

The elected members have traditionally sided with the ruling government for obvious reasons. The government of Pakistan uses these legislatures to influence its policy in FATA especially after 2001; however, their effectiveness remains questionable. The role of FATA legislatures is negligible in the economic development of their constituencies due to their non-interfacing with FATA Secretariat (refer to appendix A).

In 2003, the Pakistani government introduced a system of “Agency Councils” in FATA with a mix of members nominated by tribes and selected by the PA; however, the system did not succeed due to a lack of clear conceptual and implementation policy parameters in line with the realities of FATA environment.⁶⁸ The councils did not have true representation of the will of the people and ironically the PA acted as the Chairman of the Agency Council, contrary to the concept of devolution of power.⁶⁹ The councils were dissolved in 2007 after completing their term.

In a current move, the present government has also announced its plan to extend PPA in FATA, which has received a mixed response from the tribesmen.⁷⁰ While the majority of tribesmen want extension of PPA in FATA, the resistance mainly comes from vested interest groups who regard it as interference in their cultural system and semi- autonomous status.⁷¹ At present, it will be fair to assume that religious parties may have a better following than other

parties due to obvious reasons of GWOT. The other parties, especially NWFP's nationalist ruling parties like the Awami National Party, have a reasonable potential for cultivating their influence if PPA is extended in the FATA. However, before introducing political reforms, engagement of the people of FATA on a broader level is necessary as was done by Prime Minister Zulfikar Ali Bhutto through his populist campaign during the 1970s.⁷²

Unfortunately, Pakistan's FATA policy has remained inconsistent and event driven. The regional environment in general and Afghanistan in particular continued to dominate Pakistanis' perceptions while formulating domestic policy with regards to FATA. Had the successive governments of Pakistan pursued Jinnah's vision of socio-economic reforms as the main pillar for gradual integration of FATA into Pakistan's mainstream system or 1970s reforms allowed gaining impetus, the ungoverned spaces in the FATA might have reduced considerably. Moreover, in the absence of sufficiently shaped public perception, abrupt policy change can be detrimental to current counter insurgency endeavors.

The Way Forward

Solutions do not come easily in such a world or in a region that was traumatized well before 9/11.⁷³

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Only an administratively sound, politically represented, economically stable, and socially vibrant FATA is the remedy to prevail against the current volatile situation. The messy affair in FATA is a result of prolonged indifferent attitudes towards the people of the FATA; therefore, the solution also has to be based upon a graduated process of reforms through sustained

commitment. Instead of thrusting a solution, irrespective of how good the antidote is, there is a need to start a process that is in line with the needs and aspirations of the tribesmen. A bottom up approach towards security, governance, and development based on an “oil spot” philosophy can promise success against the insurgents in the short-term and enduring peace in the long-term in FATA.⁷⁴ The reforms should be based upon the theme to develop a wave of internal change.

In the current environment, neither status quo (pre 2001) nor complete revamping of the system is a prudent option. Hence, a major change in the constitutional status of FATA may only be seen as a long term objective with administrative, political, and economic reforms as precursors. However, integration of selective Frontier Regions due to their proximity to settled districts and their slightly better orientation towards the mainstream Pakistan system may be considered for a status change in the midterm.

Reforms in Agency level administration need a priority consideration in Pakistan’s evolving strategy to manage the security situation in FATA on a sustainable basis. While it is true that the unprecedented powers of the PA need to be curtailed, bringing an altogether new system could be a futile effort. It is recommended that agency administration should revolve around three pillars: the PA as executive, the Judicial Magistrate (a new post), and a representative Agency Council. The government of Pakistan should make a special pool of DMG offers for appointment as the PA in FATA. These administrators should receive special training prior to their assignment as the PA. At the grassroots level, the *maliki* system should be allowed to continue for the time being. The *maliki* system is bound to wither away on its own if political, economic, and educational reforms take root in the FATA. An Agency Council should be elected in each tribal agency through elections. The Agency Council should elect an Agency *Nazim* (i.e. Mayor) for representing his agency at national level.

There is also a requirement to adopt a bottom-up approach for maintaining security. As a lowest tier of security, the *Khassadari* system should be institutionalized and reclassified as a Frontier Constabulary. The *Khassadars* should be reorganised, trained, and provided a proper command hierarchy. The officer commanding the force in the agency should be responsible to the Agency PA. At the next tier, there is a requirement of capacity building and training re-orientation for the Frontier Scouts. Frontier Scouts should be available to the PA for maintenance of law and order in the agency. Capacity building of Frontier Scouts and Constabulary will also provide a positive outlet to the unemployed youth. And finally, the Pakistan Army may consider setting up a western command having permanent garrisons in South Waziristan, North Waziristan, and Mohmand.

The PPA should be immediately extended to the FATA. This would also assist in refining the national policy of fighting terrorism on a short term to long term objective of integrating FATA as part of the NWFP. It would also encourage a greater role of mainstream political parties to cultivate the political atmosphere in the FATA.

A FATA National Council, headed by the Governor NWFP, should be institutionalized in the constitution of Pakistan. FATA representatives of the Senate, National Assembly, and Agency *Nazims* should be included as members of FATA National Council with the FATA Secretariat as its administrative body. The National FATA Council should act as an intermediary between the Federal Government and agency administration.

Judicial reforms under review in form of amendment in the FCR should be implemented expeditiously after developing necessary consensus at the government level. Institution of

Sarkari Jirga should be revitalized with a positive role of Judicial Magistrate to ensure effective and speedy justice to out-match the justice meted out by militants.

Lastly, since Pakistan's FATA policy will continue to be influenced by the situation in Afghanistan, it is proposed that the international community should play its role in addressing Pakistan's legitimate security concerns with regards to activism being displayed by regional players in Afghanistan.

Conclusion

The FATA has remained a strategically important place throughout its history. Due to a distinctive cultural heritage, the tribesmen have historically resisted change in their autonomous status. The British, despite their might, found the tribesmen difficult to subjugate. Even after the creation of Pakistan, the tribal area continued to enjoy a special constitutional status. Pakistan's FATA policy, which is deeply impacted by the regional environment in general and Afghanistan's situation in particular, has been a continuation of British security oriented approach. In particular, policies followed by Pakistan during Russo-Afghan war crippled the traditional tribal hierarchy. With no clear post-Cold War policy, a parallel system of militants emerged in FATA in general and Afghanistan in particular. Unfortunately, no serious effort was made to check such development until the extremist ideology became a potent threat to the region and beyond.

Since 2002, Pakistan's policy has achieved mixed success; however, weak complementary administrative structure and non-existent political atmosphere has failed to achieve sustainable results. While the concerns about current agency level governance are legitimate, the tribesmen are divided regarding any major change in the constitutional status of

the FATA. In a bid to achieve quick fix solution to the current crisis, a change in constitutional status can prove detrimental to strategic interests of Pakistan.

A graduated approach of strengthening the existing tribal structure and undertaking bottom-up administrative, judicial, and political reforms can promise a long-term success against rising militancy. The crux of the reforms should be to develop an internal change by resurrecting the traditional tribal traditions and degrading the militant ideology. These reforms would act as an impetus for deep structural changes. Moreover, a commitment to cause, supported by patience, is required by each successive government as the FATA perhaps only deserves the permanence of policy.

Government's Agreement with the Tribal People⁷⁵

1. We proclaim that our territory is an integral part of the dominion of Pakistan and we are citizens of Pakistan.
2. We pledge our loyalty to the Constitution of Pakistan and the Government of Pakistan as by law established.
3. We shall remain peaceful and law abiding citizens of Pakistan and shall render every assistance to Government, whenever called upon to do so.
4. We and our tribes shall have no dealings with any other power and the friends of Pakistan shall be our friends and the enemies of Pakistan shall be our enemies.
5. We shall protect the rights and interests of Pakistan at all cost and shall faithfully abide by the directions given to us by the Government of Pakistan in this regard from time to time.
6. We shall render every assistance to the officials of the Pakistan Government in our areas and shall ensure their safety.
7. We shall facilitate the construction of roads, other public works, defense installations and establishment of communications in our areas and shall ensure the safety and protection of all Government property in our area. We shall also render every assistance to Government in the social and economic development of our area.

8. In the internal affairs of our tribe, the Pakistan Government will ensure the maintenance of our tribal customs and usages and all our tribal matters and internal disputes shall be settled in accordance with our tribal customs and in consultation with and through our tribal leaders.

9. The Government of Pakistan will continue to pay us our annual Muajib of Rs. _____ for the tribe and Rs. _____ as lungis for Maliks and representatives of our tribes. These grants will be subject to good behaviour and the fulfillment of the obligations detailed above, which our tribe has undertaken upon itself.

10. We shall attend to all summons of the officers of the Pakistan Government and shall call on the Political Agent, to receive our annual Muajibs in the spring every year. If we fail to do so, the Muajibs for the year shall be forfeited to the Government of Pakistan.

11. That, we shall abide by all the previous undertakings given and agreements made by us, from time to time, with the Government.

The Constitution of Pakistan-1973

Provisions on the Tribal Area

Part XII

Miscellaneous

Chapter 3. Tribal Areas

Article 246 : Tribal Areas

(a) “Tribal Areas” means the areas in Pakistan which, immediately before the commencing day, were tribal Areas, and include:-

- (1) The Tribal Areas of Baluchistan and the North West Frontier Province; and
- (2) The former States of Amb, Chitral, Dir and Swat,

(b) “Provincially Administered Tribal Areas” means:-

- (1) The districts of Chitral, Dir and Swat (which includes Kalam) (the Tribal Area in Kohistan district) Malakand protected Area, the Tribal Area adjoining (Mansehra) district and the former State of Amb; and

(2) Zhob district, Loralia district (Excluding Duki Tehsil), Dalbandin Tehsil of Chagai District and Marri and Bugti tribal territories of Sibi district; and

(c) “Federally Administered Tribal Areas” include:-

- (1) Tribal Areas, adjoining Peshawar district;
- (2) Tribal Areas adjoining Kohat district;
- (3) Tribal areas adjoining Bannu district;
- (4) Tribal Areas adjoining Dear Ismail Khan district;

- (5) Bajaur Agency;
- (6) Mohmand Agency;
- (7) Khyber Agency;
- (8) Orakzai Agency;
- (9) Khurram Agency;
- (10) North Waziristan Agency; and
- (11) South Waziristan Agency;

Article 247 - Administration of Tribal Area:-

(1) *Subject to the Constitution, the executive authority of the Federation shall extend to the Federally Administered Tribal Areas, and the executive authority of a Province shall extend to the Provincially Administered Tribal Areas therein.*

(2) *The President may, from time to time, give such directions to the Governor of a Province relating to the whole or any part of a Tribal Area within the Province as he may deem necessary, and the Governor shall, in the exercise of his functions under this Article, comply with such directions.*

(3) *No act of I[Majlis-e-Shoora (Parliament)] shall apply to any Federally Administered Tribal Area or to any part thereof, unless the President so directs, and no Act of I[Majlis-e-Shoora (Parliament)] or a Provincial Assembly shall apply to a Provincially Administered Tribal Area, or to any part thereof, unless the Governor of the Province in which the Tribal Area is situate, with the approval of the President, so directs; and in giving such a direction with respect to any law, the President or, as the case may be, the Governor, may direct that the law*

shall, in its application to a Tribal Area, or to a specified part thereof, have effect subject to such exceptions and modifications as may be specified in the direction.

(4) Notwithstanding anything contained in the Constitution, the President may, with respect to any matter within the Legislative competence of 1[Majlis-e-Shoora (Parliament)], and the Governor of a Province, with the prior approval of the President, may, with respect to any matter within the Legislative competence of the Provincial Assembly make regulations for the peace and good government of a Provincial Administered Tribal Area or any part thereof, situated in the province.

(5) *Notwithstanding anything contained in the Constitution, the President may, with respect to any matter, make regulations for the peace and good government of a Federally Administered Tribal Area or any part thereof.*

(6) *The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such order may contain such incidental and consequential provisions as appear to the President to be necessary and proper:*

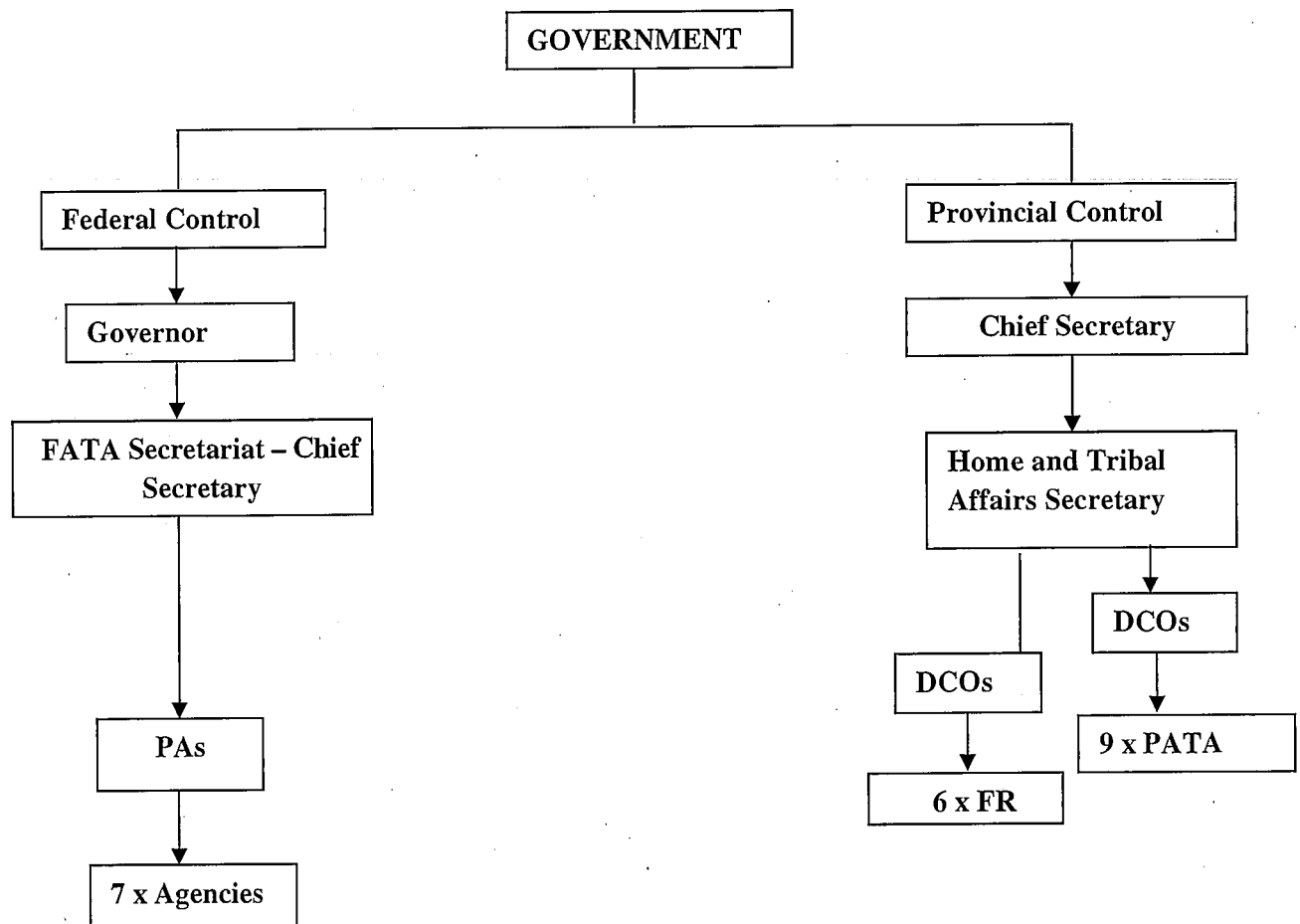
Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal jirga.

(7) Neither the Supreme Court nor a High Court shall exercise any jurisdiction under the Constitution in relation to a Tribal Area, unless 1[Majlis-e-Shoora (Parliament)] by law otherwise provides:

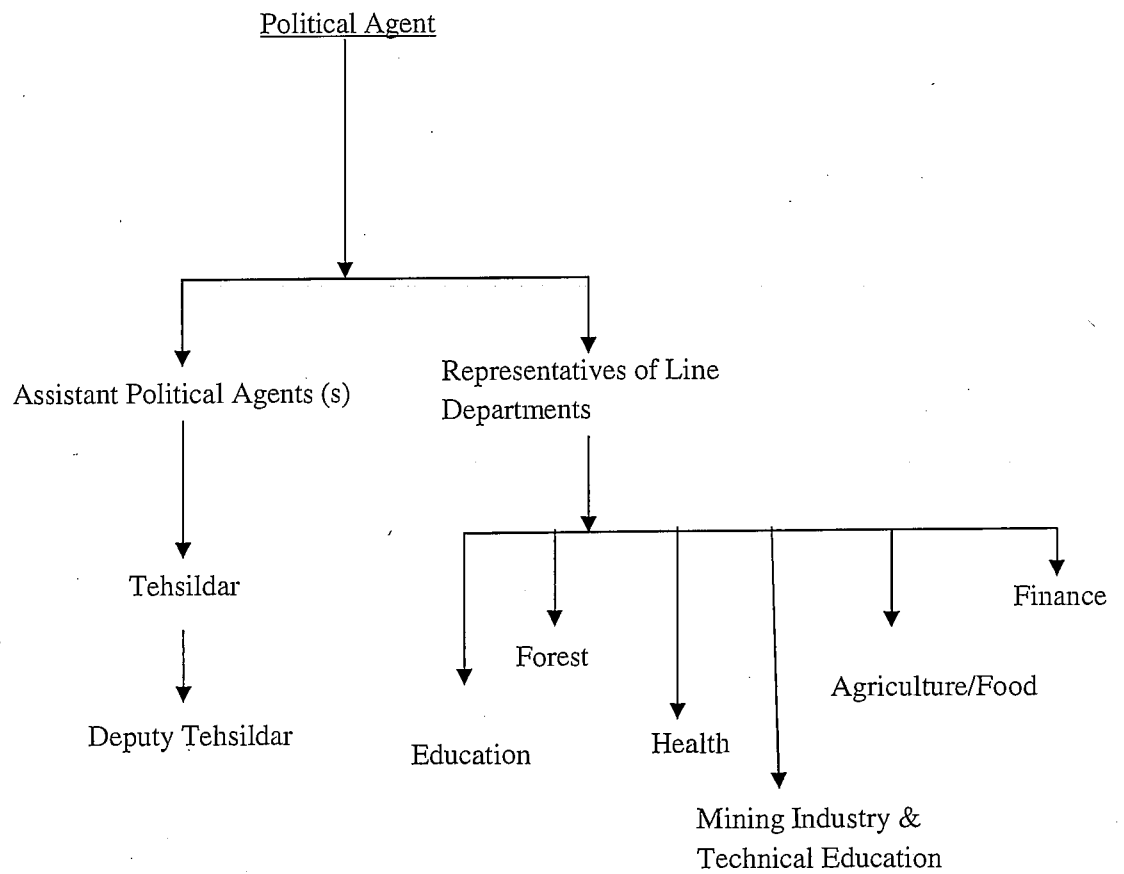
Provided that nothing in this clause shall affect the jurisdiction which the Supreme Court or a High Court exercised in relation to a Tribal Area immediately before the commencing day.

Note: *The amendments have not been included in the document and the important clauses have been italicized.*

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¹ FATA includes 7 tribal agencies and 6 Frontier Regions (FR). Tribal Agencies include Mohmand, Bajaur, Khyber, Kurram, Orakzai, North Waziristan, and South Waziristan. FR (adjacent to settled districts) includes FR Peshawar, FR Kohat, FR Bannu, FR Lakki, FR Tank, FR Dera Ismail Khan.

² National Bureau of Asian Research Analysis, “*Challenges Facing Pakistan Federally Administered Tribal Areas (FATA)*”, Volume 19, number 3, August 2008, p4. <http://www.nbr.org/publications/analysis/pdf/vol19no3.pdf> (accessed December 20, 2009)

³ Olaf Caroe, *The Pathans: 550 B.C.-A.D.1957* (New York: Macmillan & Co Ltd, 1965), xxi.

⁴ Caroe, *Pathans*, 347

⁵ Sohail Masood Alvi, *FATA: Beginning of a New Era* (Lahore: Printhouse, 2006), 15.

⁶ James W. Spain. *The Pathan Borderland* (The Hague: Mouton & CO, 1963), 27.

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⁸ Stephen Philip Cohen, *The Idea of Pakistan* (Washington DC: Brookings Institution Press, 2004), 39.

⁹ Hassan-Askari Rizvi, *Pakistan and the Geostrategic Environment: A Study of Foreign Policy* (New York: St. Martin's Press, Inc., 1993), 9.

¹⁰ Hassan-Askari Rizvi, *Military, State and Society in Pakistan* (New York, St. Martin's Press, Inc. 2000), 59.

¹¹ Pukhtunistan was a movement for independent state of Pashtuns comprising areas now included in Pakistan and Afghanistan. The movement had traditionally been sponsored by Afghanistan which did not recognize Durand Line as international border. Although the movement is all but dead, any irredentist, chauvinist Afghan government could resurrect it for no better reason than to meeting a domestic crisis.

¹² Durand Line is the name of international border between Pakistan and Afghanistan. It was named after Sir Durand, a British envoy, who negotiated the boundary line with Amir Abdur Rehman of Afghanistan in 1893.

¹³ Zahid Hussain, *Frontline Pakistan* (New York: Columbia University Press, 2007), 30.

¹⁴ The term Triple Axis (i.e. coalition of Afghanistan, Soviet Union, and India) has been used by Aly Zaman, a research officer at the Islamabad Policy Research Institute, in his essay “*India's Increased Involvement in Afghanistan and Central Asia: Implications for Pakistan*”. <http://ipripak.org/journal/summer2003/indiaincreased.shtml> (accessed on February 20, 2010).

¹⁵ Ahmed Rashid, *Decent into Chaos: The United States and the Failure of National Building in Pakistan, Afghanistan, and Central Asia* (New York: Viking Penguin, 2008), 11.

¹⁶ Ahmed Rashid, *Taliban: Militant Islam, Oil, and Fundamentalism in Central Asia* (London: Yale University Press, 2000), 159, 176.

¹⁷ Cohen, *Idea*, 88.

¹⁸ Hussain, *Frontline*, 30.

¹⁹ Embassy of Pakistan, Economic Division, July 1, 2008. *FATA Development (2000-2015)*, 4. <http://www.embassyofpakistanusa.org/forms/FATA%20Development%20Program%202008.pdf> (accessed January 10, 2010).

²⁰ Embassy of Pakistan, *FATA Development (2000-2015)*. 4.

²¹ Spain, Borderland, 122,163.

²² Spain, Borderland, 163.

²³ The continuous line shows the administrative boundary whereas dotted line shows the negotiated boundary between Afghanistan and Pakistan after 1893. Map may not display the exact boundary however it gives a reasonably good understanding of administrative boundary and location of tribal belt. Map downloaded from <http://homepages.rootsweb.ancestry.com/~poyntz/India/maps.html> (accessed February 20, 2010).

²⁴ Caroe, Pathans,348.

²⁵ Caroe, Pathans, 370.

²⁶ Spain, Borderland, 119.

²⁷ Caroe, Pathans, 357. Warburton, the first political agent in tribal area (Khyber), stated that most of the conflicts between the government and tribesmen were result of intermediary role played by middlemen, so direct contact with the tribesmen could improve the situation.

²⁸ Spain, Borderland, 116.

²⁹ During British rule, there were five agencies namely Malakand, Khyber, Kurram, North Waziristan, South Waziristan. Pakistan converted the status of Malakand to PATA. Three new agencies were created; Mohmand in 1951, Bajaur and Aurakzai in 1973.

³⁰ Each administrative unit in FATA is known as Agency. It is like a district or county. Whereas, the Political Agent is a government appointed bureaucrat in each agency.

³¹ Maliki System was introduced by British to enforce an indirect system of governance. A Malik has his own status in his tribe. The Political Agent gives him some amount as Mojib (allowance) periodically to maintain law and order in his area and run his local hospitality expenses. In case of Malik's failure to maintain government control over the area, his Maliki could be withdrawn by the Political Agent.

³² Caroe, Pathan,350. *Baramta* is a word of Central Asian origin meaning 'seizure of persons, animals, and property of an individual or a tribe with a purpose to pressurize.

³³ Spain, Borderland, 145, 146.

³⁴ Caroe, Pathans, 331.

³⁵ Caroe, Pathans,376.

³⁶ Caroe, Pathans, 387.

³⁷ Spain, Borderland, 180, 189.

³⁸ Alvi, FATA, 32.

³⁹ Spain, Borderland, 145.

⁴⁰ Spain, Borderland, 145, 191, 220. In 1947, the education budget for in tribal areas was only Rs 17,000.

⁴¹ *Indian Independence Act, 1947 (Chapter 30, sec 7 (1) (c)*, http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1947/cukpga_19470030_en_1 (accessed December 21, 2009).

⁴² Muhammad Ali Jinnah address to the tribal Jirga at Government House, Peshawar on 17 April 1948. <http://www.quaid.gov.pk/speech44.htm> (accessed December 20, 2009).

⁴³ Dawn (Karachi), 23 December 1969, quoted in “*Federally Administered Tribal Areas of Pakistan*” by Dr Noor ul Haq, Dr Rashid Ahmed Khan, and Dr Maqsudul Hasan Nuri. Islamabad Policy Research Institute, Paper 10, March 2005. <http://ipripak.org/papers/federally.shtml> (accessed December 21, 2009).

⁴⁴ Dr Noor ul Haq, Dr Rashid Ahmed Khan, and Dr Maqsudul Hasan Nuri, *Federally Administered Tribal Areas of Pakistan*, Islamabad Policy Research Institute, Paper 10, March 2005. <http://ipripak.org/papers/federally.shtml> (accessed December 21, 2009).

⁴⁵ *Constitution of Pakistan – 1973*, http://www.nrb.gov.pk/constitutional_and_legal/index.html (accessed December 21, 2009).

⁴⁶ Pakistan People’s Party and Pakistan Muslim League – (Nawz) agreed to merge FATA in NWFP during a mutual agreement on Charter of Democracy signed between the both parties in 2006. ANP, the ruling party of NWFP also openly supports such change.

⁴⁷ Author’s personal interview on January 16, 2010 with Brigadier Muhammad Abid Nazir (Pakistan Army) attending course at Marine Corps University, Quantico VA.

⁴⁸ Spain, Borderland, 221.

⁴⁹ Social Atomization is a term used by Christopher D. Kolenda, *Winning Afghanistan at the Community Level: A Rejoinder to Volney F. Warner and “C”*. JFQ, issue 56, 1st Quarter 2010. Print.

⁵⁰ Caroe, Pathans, 399.

⁵¹ Hussain, Frontline, 79.

⁵² Alvi, Beginning, 33.

⁵³ Hussain, Frontline, 151.

⁵⁴ Approximately 600 maliks have been assassinated by the militants. Shuja Nawaz, *FATA – A Most Dangerous Place: : Meeting the Challenge of Militancy and Terror in Federally Administered Tribal Areas of Pakistan*, Center for Strategic and International Studies, January 2009, p 7. http://csis.org/files/media/csis/pubs/081218_nawaz_fata_web.pdf (accessed January 12, 2010).

⁵⁵ Local Government Ordinance was promulgated in 2001 by President Musharraf in a bid to devolve political power and decentralize administrative and financial authority to accountable local governments for good governance, effective delivery of services, and transparent decision making through institutionalized participation of the people at grass-roots levels. Major changes at district level were reduction in powers of Deputy Commissioner and granting powers to District Nazim (Mayor). District Nazim controlled the district police through District Police Officer.

⁵⁶ MMA is a political alliance of major religious parties that won provincial level election during 2002 mainly due to negative sentiment prevalent in the NWFP about the US and Pakistan’s role in GWOT.

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- ⁵⁷ Community Appraisal and Motivation Program (CAMP), "Understanding FATA 2008: Attitudes towards governance, religion and society in Pakistan's FATA, volume II". 21, <http://www.understandingfata.org/files/Understanding%20Fata%202008.pdf> (accessed January 15, 2010).
- ⁵⁸ Community Appraisal and Motivation Program (CAMP), "Understanding FATA 2008: Attitudes towards governance, religion and society in Pakistan's FATA, volume I". p 58. <http://www.understandingfata.org/files/CHAPTER%203.pdf> (accessed January 14, 2010).
- ⁵⁹ "Mainstreaming FATA" p4, Benazir Democracy Institute, Shaheed Bhutto Foundation, http://www.ndi.org/files/MainstreamingFATA_Report.pdf (accessed December 12, 2009).
- ⁶⁰ Syed Irfan Raza, "Amendments to Frontier Crime Regulation approved." *Dawn Newspaper*, 13 August 2009. Available on <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/12-amendments+to+fcr+approved--bi-09> (accessed January 2, 2010).
- ⁶¹ "Political Reforms in FATA Demanded." *Dawn Newspaper*, 21 October 2009, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/national/political-reforms-in-fata-demanded-109> (accessed January 1, 2010).
- ⁶² Understanding FATA 2008: Attitudes towards governance, religion and society in Pakistan's FATA, volume I. p 63, <http://www.understandingfata.org/files/Chapter%203%20A.pdf> (accessed January, 14 2010).
- ⁶³ Caroe, Pathan, 354.
- ⁶⁴ "Gillani's announcement of repeal of FCR: Statement elicits mixed reaction in FATA" *Daily Times Newspaper*, 30 March 2008. http://www.dailytimes.com.pk/default.asp?page=2008\03\30\story_30-3-2008_pg7_29 (accessed December 25, 2009).
- ⁶⁵ Haq, FATA, <http://ipripak.org/papers/federally.shtml> (accessed on December 21, 2009).
- ⁶⁶ Community Appraisal and Motivation Program (CAMP), "Understanding FATA 2008: Attitudes towards governance, religion and society in Pakistan's FATA, volume II". 34, <http://www.understandingfata.org/files/Understanding%20Fata%202008.pdf> (accessed January 15, 2010).
- ⁶⁷ Previously electoral college for selecting FATA national assembly members comprised of 35,500 *maliks*. "Pakistan: Countering Militancy in FATA" International Crisis Group Report, October 21, 2009, p.1, http://www.crisisgroup.org/library/documents/asia/south_asia/178_pakistan___countering_militancy_in_fata.pdf (accessed December 29, 2009).
- ⁶⁸ Ijaz Khan, *Challenges Facing Development in Pakistan's FATA*, p17, published by NBR Analysis, volume 19, Number 3, August 2008. <http://www.nbr.org/publications/analysis/pdf/vol19no3.pdf> (accessed December 20, 2009).
- ⁶⁹ Community Appraisal and Motivation Program (CAMP), "Understanding FATA 2008: Attitudes towards governance, religion and society in Pakistan's FATA, volume I". 13, <http://www.understandingfata.org/files/Chapter%201%20&%202.pdf> (accessed January 14, 2010).
- ⁷⁰ "Mixed response to political activities, FCR reforms in Bajaur", *Newspaper Daily Times*, 17 August 2009. http://www.dailytimes.com.pk/default.asp?page=2009\08\17\story_17-8-2009_pg7_31 (accessed January 12, 2010).
- ⁷¹ Community Appraisal and Motivation Program (CAMP), "Understanding FATA 2008: Attitudes towards governance, religion and society in Pakistan's FATA, volume II." P 29, available on <http://www.understandingfata.org/files/Understanding%20Fata%202008.pdf> (accessed 15 January 2010).

⁷² "FATA reforms: Govt follows in footsteps of predecessors", *Dawn Newspaper*, 30 August 2009. <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/provinces/04-govt-follows-footsteps-predecessors-qs-06> (accessed December 26, 2009).

⁷³ Rashid, Decent, 404.

⁷⁴ Oil Spot approach of governance and security means that a graduated and area specific approach should be adopted and gradually expanded to other adjoining areas.

⁷⁵ Ministry of States and Frontier Regions (States and Frontier Regions Division) "S" Block Pakistan Secretariat Islamabad, quoted in "*Federally Administered Tribal Area*" by Dr Noor ul Haq, Dr Rashid Ahmed Khan, and Dr Maqsoodul Hasan Nuri. Published by ASIS printers Islamabad, March 2005. <http://ipripak.org/papers/federally.shtml>, (accessed December 21, 2009).